

Office of the
Legislative Fiscal Analyst

FY 2003 Budget Recommendations

Joint Appropriations Subcommittee for
Executive Offices, Criminal Justice and Legislature

Board of Pardons

Contents:

- 1.0 Summary
- 2.0 Issues
- 3.0 Programs
- 4.0 Additional Information

1.0 Board of Pardons

Summary

The Board of Pardons is a separate and independent organization from the Department of Corrections and the Courts. The Board is constitutionally created (Utah Constitution Article VII, Section 12). It has full parole, pardon, and commutation authority over all offenders sentenced to the custody of the Utah Department of Corrections for confinement. It also makes decisions regarding the release of offenders from prison, sets conditions of parole supervision, orders restitution, and may remit fines, subject to regulations as provided by statute. It is the release authority that screens appropriate inmate candidates for release from prison. The Board's authority is outlined in the Utah Constitution and Utah Code Annotated, Section 77-27 et. seq.

The mission of the Board is to further public safety by rendering decisions regarding the length of incarceration, parole supervision, termination of sentence, commutation of sentence and pardons.

- The *Analyst FY 2003 Base* budget recommendation includes the *Revised Estimate* from FY 2002 as approved by the Executive Appropriations Committee. FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved for FY 2002 along with adjustments for the receptionist FTE position that was eliminated.
- The changes are the net difference between additional reductions and additions made from the Subcommittee allocation.

	Analyst FY 2003 Base	Analyst FY 2003 Changes	Analyst FY 2003 Total
Financing			
General Fund	2,547,300	71,300	2,618,600
Dedicated Credits Revenue	2,200		2,200
GFR - Tobacco Settlement	77,400		77,400
Beginning Nonlapsing	172,000		172,000
Total	<u>\$2,798,900</u>	<u>\$71,300</u>	<u>\$2,870,200</u>
Programs			
Board Of Pardons and Parole	2,798,900	71,300	2,870,200
Total	<u>\$2,798,900</u>	<u>\$71,300</u>	<u>\$2,870,200</u>
FTE/Other			
Total FTE	34		34

2.0 Issues: Board of Pardons

Any recommendations for new or additional programs are based on the availability of funding.

2.1 Continuation of Reductions

The *Analyst FY 2003 Base* budget recommendation includes the *Revised Estimate* from FY 2002 as approved by the Executive Appropriations Committee and the following items:

- Adjustment for FY 2002 one-time programs;
- Payroll cost of an extra day in FY 2003;
- Transfers of Market Comparability Adjustments; and,
- Net changes for Internal Service Fund rates.

FY 2003 changes reflect the incremental costs of across the board reductions and annualization of partial budget cuts approved for FY 2002 along with two other major adjustments.

- Reduction of one FTE Receptionist - \$39,100
- Reductions of contracts for psychological evaluations - \$27,700

These are included in the base budget.

2.2 Office Space Expansion

The Board's file room has not been expanded since 1991. Since that time, the Board staff has expanded and the number of cases has grown exponentially. Recent security threats have also required the additional space to prevent significant costs due to threats through the mail. Ongoing funding of \$71,900 is necessary to fund these items. This is recommended by the Analyst and included in the recommendation.

General Fund	\$71,900
---------------------	-----------------

2.3 New Board Hearing Room

The Board's hearing room at the Utah State Prison at Draper is inadequate for the Board to fully conduct its business. The hearing room has not been expanded since the 1960's. The number of hearings has increased significantly since construction. There is also a need to separate the victims and the offender's families. Even with the current sound system it is difficult to hear and record the participant's testimony. If funds were available, a one-time appropriation of \$75,000 would be necessary to build the new hearing room. These funds could be taken from nonlapsing balances. It is recommended that consideration be made to build the new hearing room and update the technology, including teleconferencing at the same time. No General Fund money is recommended.

Nonlapsing Balances	\$75,000
----------------------------	-----------------

3.0 Program: Board of Pardons

Recommendation The Analyst recommends an ongoing budget for this program of \$2,870,200. This major portion of funding includes \$2,618,600 General Fund, \$172,000 from Nonlapsing Balances and \$77,400 from General Fund Restricted – Tobacco Settlement Funds.

	2001	2002	2003	Est/Analyst
Financing	Actual	Estimated	Analyst	Difference
General Fund	2,515,100	2,601,500	2,618,600	17,100
General Fund, One-time		(66,900)		66,900
Dedicated Credits Revenue	600	2,200	2,200	
GFR - Tobacco Settlement	77,400	77,400	77,400	
Transfers		1,600		(1,600)
Beginning Nonlapsing	165,900	172,000	172,000	
Closing Nonlapsing	(172,000)	(172,000)		172,000
Total	\$2,587,000	\$2,615,800	\$2,870,200	\$254,400
Expenditures				
Personal Services	1,982,800	2,042,700	2,060,000	17,300
In-State Travel	15,000	14,800	14,800	
Out of State Travel	11,000	11,000	10,600	(400)
Current Expense	507,200	436,600	562,600	126,000
DP Current Expense	71,000	53,200	50,200	(3,000)
DP Capital Outlay		(2,500)		2,500
Capital Outlay		60,000		(60,000)
Other Charges/Pass Thru			172,000	172,000
Total	\$2,587,000	\$2,615,800	\$2,870,200	\$254,400
FTE/Other				
Total FTE	35	35	34	(1)

Summary

The Board of Pardons is the release authority for inmates in the State of Utah. As such, the Board is responsible for reviewing an inmate's performance after the inmate is incarcerated, and determining when and under what conditions the inmate may be released after serving the minimum sentence required by law. In addition, the Board reviews violations of release conditions to decide whether an inmate should be sent back to prison, etc.

The Executive Director of Corrections does not have line authority over the Board of Pardons and cannot direct the Board of Pardons to release inmates early or impose release conditions.

As of July 1, 1983, the Board of Pardons went from a part-time to a full-time Board. As a quasi-judicial body, the Board has a responsibility not only for public safety and inmate equity of treatment, but for the record keeping and process that must meet stringent legal scrutiny. In Utah most sentencing is indeterminate, and the Board, de facto, becomes the final sentencing authority and sets the standard for length of confinement for most felons.

**Office Space
Expansion**

The Board's file room has not been expanded since its construction in 1991. Since that time, the Board staff has expanded and the number of cases has grown exponentially. Several years ago, the Board installed a file system which has now reached capacity. Expanding the file room will require relocation of equipment and additional space. It is estimated that 3,900 square feet will be required to accommodate the office expansion.

Recent security threats have also required the additional space to limit potential costs due to threats through the mail. Ongoing funding of \$71,900 is necessary for these items. This is recommended by the Analyst and funding is included in the recommendation.

General Fund

\$71,900

Hearing Room

The Board's hearing room at the Utah State Prison at Draper is inadequate for the Board to fully conduct its business. The hearing room has not been expanded since the 1960's. The number of hearings has increased significantly since construction. There is also a need to separate the victims and the offender's families. The sound system makes it difficult to hear and record the participant's testimony. If funds were available, a one-time appropriation of \$75,000 would be necessary to build the new hearing room. These funds could be taken from nonlapsing balances. It is recommended that consideration be made to build the new hearing room and update the technology, including teleconferencing at the same time. No General Fund money is recommended.

There is some discussion through the Utah Commission on Criminal and Juvenile Justice and the Department of Corrections where Federal Funds may become available to build additional bed space at the Draper Facility and use the same grant to build the hearing room.

Mentally Ill/ Report to Board

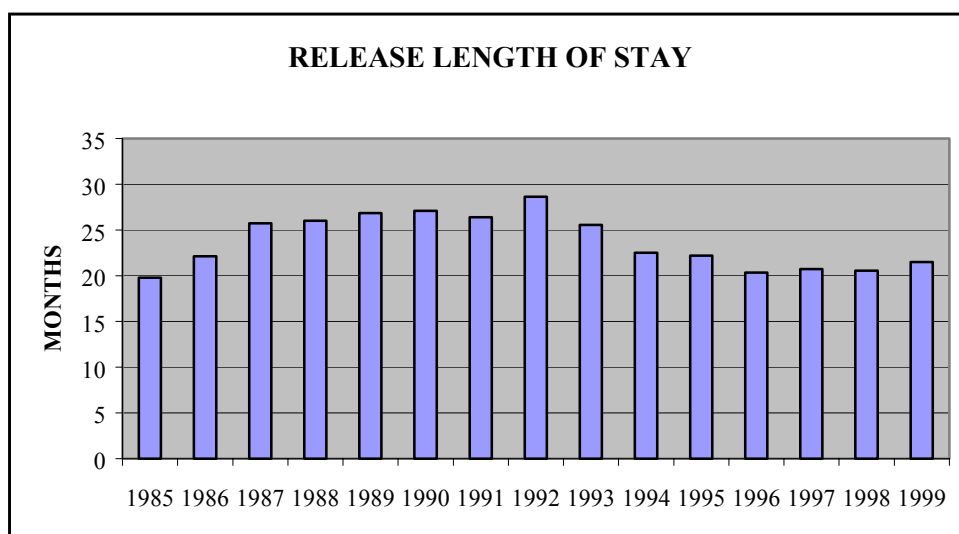
The main Appropriations Act (Senate Bill 1, 2000 General Session, Item 27, page 10) included language dealing with the mentally ill inmates as follows:

“It is the intent of the Legislature that the Department of Corrections, the Board of Pardons and Parole, and the Department of Human Services shall select an organization whose primary responsibility is representing people with disabilities, and is recognized under the Protection and Advocacy for Individuals with Mental Illness Act. Together these organizations shall study whether pre-adjudicated and mentally ill persons who are detained in jail or in the Utah State Hospital should receive credit for time served. A report shall be produced and presented to the Law Enforcement and Criminal Justice Interim Committee in October.”

The report was made to the FY 2001 interim committee, however, the report included a request for a six-month extension to complete their work. The final report was delivered during the 2001 interim period in May 2001. The recommendations of that report do not recommend any policy or operational changes for the Board of Pardons.

Length of Stay Data

There are two mechanisms that drive inmate counts in the corrections systems which are incarceration rate and length of stay. The **incarceration rate** reflects primarily on the law enforcement and prosecution functions of the criminal justice system. The **length of stay**, however, is a result of the cumulative decisions of the Board of Pardons and Parole. The following chart shows how the length of stay for Utah inmates has been impacted over the last 15 years.



Drug Board

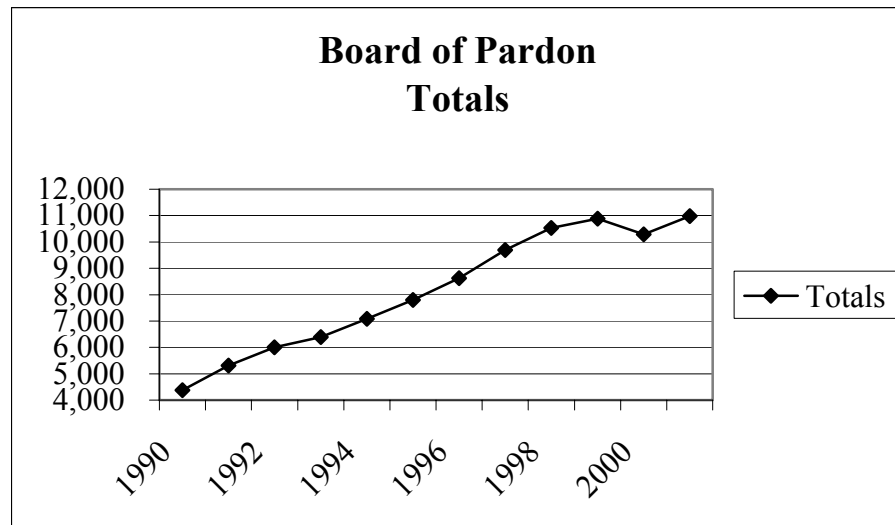
Senate Bill 15, "Use of Tobacco Settlement Revenues" (2000) expanded the Drug Courts of the state and started a Drug Board Pilot Project. To test a drug court pilot operation for paroled inmates, Drug Boards in the Davis and Weber County areas were included. Funding for the Board portion of the program consists of \$77,400 in Tobacco Settlement Funds. Though the General Fund was greatly reduced, the operations are still being done with Tobacco Settlement money.

Analyst's Note

The Board now travels to the State prison at Gunnison and Beaver and Washington County jails for hearings rather than having the inmates transported to the Draper Prison. This saves the State costs for transportation of inmates (corrections), and risk (such as the December 2000, Corrections van accident on I-15 in American Fork). The Board now travels to CUCF at Gunnison, Beaver and Washington for parole hearings.

Growth

Increases in inmate population increase the number of board hearings and decisions. The State prison population has been held steady for the last nine months. This may have a positive financial impact on the Board. This situation is being monitored. Hearings are still on the rise at the moment.



Activity Reporting Data

The Board of Pardons collects a variety of statistics that can be useful when evaluating the workload of the Board. The table below outlines the types of activities and the number of each performed in a year. There are a few clear trends toward increasing caseloads. The Chart on the previous page diagrams the totals.

Board of Pardons Decisions												
Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Original Hearing	886	853	1,049	1,104	1,398	1,501	1,797	1,807	1,884	1,681	1,756	1,813
Parole Violation	882	1,030	1,124	1,244	1,233	1,434	1,661	1,844	2,171	2,143	1,969	1,797
Special Attention	1,185	1,681	1,960	2,169	2,253	2,691	2,417	3,148	3,469	3,769	3,268	4,163
Rescissions	322	414	357	355	417	241	284	293	285	353	357	317
Terminations	238	202	275	326	328	378	419	532	530	769	760	868
Evidentiary	12	9	13	18	31	27	42	19	13	19	5	13
Warrants	804	1,068	1,125	1,064	1,306	1,412	1,692	1,701	1,781	1,765	1,813	1,568
Recalls	42	56	96	79	97	100	166	90	94	43	54	83
Admin. Reviews	N/A	N/A	N/A	32	25	11	30	29	51	30	36	23
Admin. Scheduling												
Original Hearing	N/A	N/A	N/A	N/A	N/A	N/A	118	235	258	315	269	336
Homicide												
Totals	4,371	5,313	5,999	6,391	7,088	7,795	8,626	9,698	10,536	10,887	10,287	10,981
% Total Decisions												
Compared to		21.55%	12.91%	6.53%	10.91%	9.97%	10.66%	12.43%	8.64%	3.33%	(5.51%)	6.75%
Previous Year												

Adult Corrections Statistics
“Snapshot” of Parolees, November 14, 2001

Last Grade Comp.	Male #	Female #	Age	Male #	Female #
1-6	136	9	Under 18	0	0
7-11	1,321	194	18-19	13	0
12	1,250	168	20-24	420	42
12+	274	44	25-29	629	67
Unknown	225	23	30-34	581	100
Citizenship			35-39	541	101
U.S. Citizen	2,839	431	40-44	476	83
Non U.S. Citizen	367	7	45-49	280	29
Unknown	0	0	50-54	132	11
Race			55-59	76	3
White	2,184	346	60-64	25	0
Hispanic	639	46	65 and over	25	1
Black	203	26	Unknown	0	0
Native American	95	15	Marital Status		
Asian	56	2	Never Married	1,370	107
Pacific Islander	9	1	Married	597	81
Unknown	20	2	Separated	173	41
# of Convictions			Divorced	734	146
1-5	1868	262	Common Law	149	18
6-10	679	63	Widowed	14	10
11-15	201	20	Unknown	29	4
16-20	85	6	Number of Arrests		
Over 20	62	6	1-5	1462	221
Unknown	171	50	6-10	755	98
Degree of Crime			11-15	368	42
Capital	4	0	16-20	204	19
First Degree	309	12	Over 20	223	18
Second Degree	1,277	132	Unknown	54	9
Third Degree	1,516	283	# of Incarcerations		
Compact	80	10	1	2486	344
Misdemeanor	5	1	2-4	480	47
Unknown	15	0	5-7	33	6
Offense Type			8+	10	1
Murder	72	10	Unknown	57	9
Person	486	31			
Sex/Registerable	457	6			
Property	916	149			
Weapons	38	1			
Alcohol/Drugs	956	220			
Driving	88	14			
Other	43	6			
Unknown	11	1			

As of November 2001 there are approximately 14,000 Adult Parolees and Probationers.

4.0 Additional Information: Board of Pardons**4.1 Funding History**

	1999	2000	2001	2002	2003
Financing	Actual	Actual	Actual	Estimated	Analyst
General Fund	2,323,300	2,454,700	2,515,100	2,601,500	2,618,600
General Fund, One-time				(66,900)	
Dedicated Credits Revenue	1,000	900	600	2,200	2,200
GFR - Tobacco Settlement			77,400	77,400	77,400
Transfers				1,600	
Beginning Nonlapsing	145,100	151,000	165,900	172,000	172,000
Closing Nonlapsing	(151,000)	(145,100)	(172,000)	(172,000)	
Total	\$2,318,400	\$2,461,500	\$2,587,000	\$2,615,800	\$2,870,200
Programs					
Board Of Pardons and Parole	2,318,400	2,461,500	2,587,000	2,615,800	2,870,200
Total	\$2,318,400	\$2,461,500	\$2,587,000	\$2,615,800	\$2,870,200
Expenditures					
Personal Services	1,750,800	1,853,600	1,982,800	2,042,700	2,060,000
In-State Travel	11,400	14,700	15,000	14,800	14,800
Out of State Travel	8,700	9,400	11,000	11,000	10,600
Current Expense	491,900	487,300	507,200	436,600	562,600
DP Current Expense	55,600	75,700	71,000	53,200	50,200
DP Capital Outlay				(2,500)	
Capital Outlay				60,000	
Other Charges/Pass Thru		20,800			172,000
Total	\$2,318,400	\$2,461,500	\$2,587,000	\$2,615,800	\$2,870,200
FTE/Other					
Total FTE	33	35	35	34	34